THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2679 OF 2006

DATED: 22-03-2007

BETWEEN

Jeevan Dhara Ambulance Services,
Rep. by its Proprietor M. Suresh
S/o. M. Yadagiri, R/o. H.No.6-1-106,
Flat No.103, Sheshagiri Apartments,
Padma Rao Nagar, Secuderabad.

...PETITIONER

AND

The Director,
E.S.I. Hospital,
New Bhoiguda,
Secunderabad
and two others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents 1 and 2 in accepting the tender of the third respondent for providing ambulance services to E.S.I. hospital, though the third respondent had quoted the highest bid amount than him and other tenderers as arbitrary and illegal.

2. Petitioner submits that he is the lowest tenderer offering to provide ambulance services for a sum of Rs.44,100/- whereas the third respondent offered his services for a sum of Rs.51,300/-.

He further submits that, in fact, one K.B.R. Enterprises quoted the second lowest bid amount for a sum of Rs.45,360/- and

the third lowest bid amount was quoted by one Hari Krishna Lorry Services for a sum of Rs.48,703/-. However, the respondents 1 and 2 illegal rejected the tenders of the petitioner and two other lowest tenderers but erroneously accepted the tender of the third respondent.

3. Learned counsel for the respondents 1 and 2 filed a counter and produced a record stating that a committee consisting of the senior officers of the Hospital was constituted to evaluate the tenders of the four tenderers. The Committee passed over the tender of the petitioner on the ground that the he has not filed experience certificate of not less than three years but whereas he filed experience certificate of one year only. Insofar as the tender of K.B.R. Enterprises is concerned, the committee recommended that the said tenderer has also not enclosed the experience certificate of the hospital having 50 beds. Similarly, the tender of Hari Krishna Lorry Services was also passed over on the ground that he has not provided any experience certificate with regard to ambulance services but he was in lorry transport business. The committee found the tender of the third respondent in order and recommended for engaging the ambulance services from the third respondent and called him for negotiations since the amount quoted was on the higher side. After negotiations the committee finally settled the rate to Rs.49,000/-.

4. In view of the aforesaid facts and circumstances and more so, when the contract period is already over by the end of January 2007,
I am of the opinion that the petitioner is not entitled to any relief in the writ petition.

The writ petition is accordingly dismissed. However, it is open for the petitioner as well as the other tenderers to quote their bids as when the authorities publish fresh tender notification. There shall be no order as to costs.

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V. ESWARAIAH, J

March 22, 2007
DSK